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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Salgado et al.

SERIAL NO.: 09/448,804

ART UNIT: 2177

FILING DATE: 11/24/99

EXAMINER: Pannala,
SathyanarayanTITLE: METHOD AND APPARATUS FOR MANAGING SOFTWARE
COPYRIGHT YEARS IN A MULTIPLE PLATFORM
ELECTRONIC REPROGRAPHICS SYSTEM

ATTORNEY

DOCKET NO.: D/99253; 690-008859-US (PAR)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**BY FAX-3 PAGES****REQUEST FOR RECONSIDERATION**
(37 CFR 1.181)

This is in response to the Advisory Action mailed December 24, 2003 and Office Action mailed October 22, 2003.

This application was under appeal pursuant to the Notice of Appeal mailed November 1, 2002. On May 23, 2003 the Examiner re-opened prosecution by issuing an Office Action made "Final" (Paper No. 15). In Applicant's response, filed on August 25, 2003, Applicant requested that the Finality of the May 23, 2003 action be withdrawn since it was premature. In an Advisory Action on October 16, 2003 (Paper No. 17), the Finality of the May 23, 2003 action was withdrawn. However, the next action of October 22, 2003 (Paper No. 18) made "Final". In Applicant's response filed on December 12, 2003. Applicant requested that the Finality of the October 22, 2003 action be withdrawn as being

premature. The Examiner did not address this request in the Advisory Action mailed December 24, 2003, (Paper No. 20), and the Finality was not withdrawn. Application now petitions for reconsideration and this request is being filed within one-month of the Advisory Action mailed December 24, 2003.

The finality of the October 22, 2003 action should be withdrawn because it is premature. (706.07 (d), (e).)

Applicant's response to the May 23, 2003 Final Action was made pursuant to §714.12 and §714.13. As such, Applicant only argued that the rejection was improper. Applicant did not amend any claims, as it might have had the Action not been final, since, once a final rejection is entered, the applicant no longer has any right to unrestricted further prosecution. (37 CFR 1.116). Applicant believed that the finality of the May 23, 2003 action was premature, and so argued in its response. However, to avoid the response from not being considered or entered, Applicant did not proposed to amend any claims.

The next Office Action of October 22, 2003 should not have been Final since Applicant did not properly have a non-final action before it to consider and to provide a proper and complete response. The response to a Final action is much more limited.

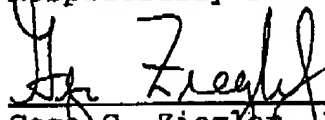
Generally, a Final action is in order when a "clear issue" is developed between the Examiner and the applicant. (MPEP 706.07). Prosecution should deal justly with the Applicant, and the Applicant should be allowed, in response to the "first action" to "amend with a view to avoiding all the grounds of rejection and objection." (MPEP 706.07)

Applicant has not yet had a proper "first action". Thus, Applicant is being prejudiced by the lack thereof and is prematurely being cut off in the prosecution of the application.

Therefore, Applicant respectfully requests that the finality of the prior Office action be withdrawn and that a "Non-Final" action be issued to allow the Applicant to reply with a view to avoiding all grounds of rejection and objection as set forth in MPEP 706.07.

Reconsideration of the Examiner's refusal to withdraw the finality of the Office Action mailed October 22, 2003 is respectfully solicited.

Respectfully submitted,


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23 Jan 2004
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